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APR 07 2008

In re Application of : OFFICE OF PETITIONS
Lin Lu Healy et al :
Application No. 10/665,943 : DECISION GRANTING PETITION
Filed: September 19, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 42133-00009USC1 :

This is a decision on the petition under 37 CFR 1.137(b), filed August 3, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b), in that (1) the reply in the form of an response; (2) the petition fee; and (3) the required statement of unintentional delay have been received.

Accordingly, the reply to the Nonfinal Rejection mailed August 10, 2005, is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$2,160 extension of time submitted with the petition on August 3, 2007 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the Office of Finance, Refund Section. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 1713 to consider the response received August 3, 2007.


Karen Creasy
Petitions Examiner
Office of Petitions